

ANNUAL TOWN ELECTION WARRANT
May 10, 2011

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town of Tyngsborough, qualified to vote in the election and town affairs, to meet at the following locations:

PRECINCT 1. EARLY CHILDHOOD CENTER, 135 COBURN ROAD

PRECINCT 2. MULTI SERVICE CENTER, 180 LAKEVIEW AVENUE

PRECINCT 3. TOWN OFFICES/LIBRARY, 25 BRYANTS LANE

PRECINCT 4. TYNGSBOROUGH ELEMENTARY SCHOOL, 205 WESTFORD ROAD

in Tyngsborough on Tuesday, the tenth day of May in the year two thousand eleven next from 7 o'clock in the forenoon to 8 o'clock in the evening, then and there to act on the following article:

Article 1. To bring in their votes by ballot for 2 Selectmen for the term of three years, 2 Assessor for the term of three years, 2 Board of Health Member for the term of three years, 1 Cemetery Commissioner for the term of three years, 1 Cemetery Commissioner for the term of one year, 1 Finance Committee Member for the term of three years, 1 Tyngsborough Housing Authority Member for the term of five years, 2 Library Trustees for the term of three years, 1 Planning Board Member for the term of two years, 1 Planning Board Member for the term of five years, 2 School Committee Members for the term of three years, 1 Sewer Commissioner Member for the term of three years, 1 Tree Warden for the term of three years, 1 Moderator for the term of three years.

And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No.1, Flint's Convenient Store, Lakeview Avenue Community Center, Lakeview Avenue Fire Station No.2, in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of election, aforesaid.

Given under our hands and seals this 2nd day of May, in the year two thousand eleven.

Board of Selectmen

Ashley L. O'Neill, Chairman

Elizabeth A. Coughlin, Vice-Chairman

Richard D. Reault, Clerk

Richard B. Lemoine

Robert G. Jackson

Pursuant to the foregoing Warrant, I have notified and warned the inhabitants of the Town of Tyngsborough by posting attested copies of same at the Town Hall, Kendall Road Fire Station No. 1, Flint's Convenience Store, Lakeview Avenue Community Center, and Lakeview Avenue Fire Station No. 2, and at least seven (7) days before the date thereof, as within directed.

Constable

Date

Time

ANNUAL TOWN MEETING WARRANT

June 7, 2011

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the said inhabitants of the Town of Tyngsborough to meet for the Annual Town Meeting at the Tyngsborough Elementary School Cafetorium in said Tyngsborough on Tuesday the seventh day of June in the year two thousand eleven at 7 o'clock in the evening then and there to act on the following articles.

Article 2. To see if the Town will vote to accept the reports of the Town Officers and Committees as printed, or take any other action relative thereto.

Article 3. To choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto.

Article 4. To see if the Town will vote to fix the salary and compensation of elective officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, for the Fiscal Year 2012 (July 1, 2011 - June 30, 2012), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations.

	REQUEST		
	SALARIES	SALARIES	RECOMMENDED
	7/01/10	7/01/11	7/01/11
	6/30/11	6/30/12	6/30/12
<u>Elective Town Officers</u>			
Moderator	\$ 0	\$ 0	\$ 0
Selectmen Members (5)	\$ 0	\$ 0	\$ 0
Tax Collector	\$56,020	\$56,020	\$56,020
Town Clerk	\$52,094	\$52,094	\$52,094
Assessors (3)			
Chairman	\$ 1	\$ 1	\$ 1
Member (1)	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Board of Health			
Chairman	\$ 0	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0	\$ 0
Tree Warden	\$ 0	\$ 0	\$ 0
Cemetery Commissioners (3)	\$ 0	\$ 0	\$ 0
School Committee (7)	\$ 0	\$ 0	\$ 0
Library Trustees (6)	\$ 0	\$ 0	\$ 0
Sewer Commissioners (3)			
Chairman	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Planning Board (5)			
Chairman	\$ 0	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0	\$ 0

Finance Committee (5)	\$ 0	\$ 0	\$ 0
Constables (2)	\$ 0	\$ 0	\$ 0
Greater Lowell Technical High School (1)	\$ 0	\$ 0	\$ 0

Article 5. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to fund town expenses for the Fiscal Year 2012 (July 1, 2011 - June 30, 2012), or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in accordance with Massachusetts General Laws, chapter 150E, section 7(b) to fund the cost items contained in collective bargaining agreement dated _____ between the Town and the New England Police Benevolent Association, Inc. Local 8 (Police), or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in accordance with Massachusetts General Laws, chapter 150E, section 7(b) to fund the cost items contained in collective bargaining agreement dated _____ between the Town and the SEIU Local 888 (Clerical), or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in accordance with Massachusetts General Laws, chapter 150E, section 7(b) to fund the cost items contained in collective bargaining agreement dated _____ between the Town and the SEIU Local 888 (Mid Managers), or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in accordance with Massachusetts General Laws, chapter 150E, section 7(b) to fund the cost items contained in collective bargaining agreement dated _____ between the Town and the SEIU Local 888 (Highway), or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, to be expended by the Sewer Commission, to operate the Sewer Enterprise for fiscal year 2012 as follows:

That the following sums be appropriated:

Salaries	\$ 175,739.00
Expenses	\$ 570,944.00
Capital outlay	\$ 279,500.00
Debt	\$ <u>78,300.00</u>
Total	\$1,104,483.00

And that \$1,104,483.00 be raised as follows:

Department receipts	\$1,104,483.00
Capital Reserve Account	\$ <u>-0-</u>
Total	\$1,104,483.00

Or take any other action relative thereto.

Submitted by: Sewer Commissioners

Article 11. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2012 of \$353,926 as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 12. To see if the Town will vote to authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ the following revolving funds for the purpose of receiving fees and making disbursements in connection with the duties of the following town entities or as so specified below, and that any surplus revenue accumulated in FY 2011 and FY 2012 shall remain in the revolving accounts for each of the following town entities.

<u>Fund</u>	<u>Programs & Purposes</u>	<u>Departmental Receipts</u>	<u>Authorization</u>	<u>Maximum Annual Expenditure</u>
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers or designee	\$20,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen or designee	\$120,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee or designee	\$10,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health or designee	\$ 7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health or designee	\$30,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health or designee	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission or designee	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Sealer of Weights and Measures or designee	\$ 3,000.00

Or take any other action relative thereto.

Submitted by: Town Entities as shown

Article 13. To see if the Town will vote that the following sums be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for fiscal year 2012, with each item to be considered a separate appropriation, for the payment of administrative expenses of the Community Preservation Committee, debt service, community preservation projects, and all other necessary and proper expenses.

Appropriations

Administrative Expenses	\$ 24,000.00
Long-Term Debt Service (Long Pond)	\$ 54,194.00
Interest on Long-Term Debt (Rec. Fields)	\$ 3,740.00
Retirement of Debt (Rec. Fields)	\$250,000.00
Lake Mascuppic Weed Control Program	\$ 6,000.00
	<u>\$339,565.00</u>

Reserves

To Reserve for Historic Preservation	\$ 48,000.00
To Reserve for Affordable Housing	\$ 48,000.00
To Reserve for Open Space	<u>\$ 48,000.00</u>
FY12 Budgeted Reserve	\$144,000.00

Total \$483,565.00

Or take any other action relative thereto. Submitted by: Community Preservation Committee

Article 14. To see if the Town will vote to appropriate by transfer from existing Community Preservation Budgeted Reserve, Historic Reserve, Unreserved Fund Balance, and/or borrow a sum of money in the amount of \$2,500,000.00 for the restoration and rehabilitation of the historic "Old Town Hall", to be expended by the Board of Selectmen, or take any action relative thereto.

Submitted by: Community Preservation Committee

Article 15. To see if the Town will vote that Special Town Meeting Article 20, dated October 2005 be renamed from "Sherburne House Interior Fix-up" to the purpose of building a Boardwalk through the Sherburne Nature Center in the amount of \$5,000.00, to be expended by the Conservation Commission, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 16. To see if the Town will vote that a sum of money in the amount of \$10,000.00 be appropriated from the Community Preservation Fund Reserve for Open Space for the purpose of building a Boardwalk through the Sherburne Nature Center, to be expended by the Conservation Commission, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 17. To see if the Town will vote that a sum of money in the amount of \$5,000.00 be appropriated from the Community Preservation Fund Reserve for Historic Preservation to be used to obtain scanning services , to be expended by the Historic Committee, or take any other relative thereto.

Submitted by: Community Preservation Committee

Article 18. To see if the Town will vote that a sum of money in the amount of \$500.00 be appropriated from the Community Preservation Fund Reserve for Open Space for the purpose of building Bluebird houses for the Greene property, to be expended by the Tyngsborough Bluebird Society, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 19. To see if the Town will vote that a sum of money in the amount of \$30,000 be appropriated from the Community Preservation Fund Reserve for Open Space for the purpose

of completing the Riverfront property park, to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 20. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$99,281, to be expended by the School Committee, for the purpose of upgrading the wireless networks at the Tyngsborough High School, the Tyngsborough Middle School and the Tyngsborough Elementary School, or take any other action relative thereto.

Submitted by: School Committee

Article 21. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$165,000, to be expended by the School Committee, for the purpose of upgrading the bleachers at the Tyngsborough High School Pierce Field, or take any other action relative thereto.

Submitted by: School Committee

Article 22. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of 139,000, to be expended by the School Committee, for the purpose of reducing the Athletic User Fees, the Transportation Fees, and the Curriculum Replacement Cycle for the Tyngsborough Public Schools, or take any other action relative thereto.

Submitted by: School Committee

Article 23. To see if the Town will vote to raise and appropriate the sum of \$to supplement the Stabilization Fund, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 24. To see if the Town will vote to appropriate by transfer from the Capital Asset Stabilization Fund the sum of \$, to be expended by the Board of Selectmen, to be used to stabilize the tax rate for fiscal year 2012, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 25. To see if the Town will vote to accept Ten thousand dollars (\$10,000.00) from Whispering Pines, R.E. Development as a donation for the sole purpose of purchasing new furnishings for the New Senior Center, to be expended by the Board of Selectmen, with the following conditions:

1) the amount will be reserved for senior center furnishings as needed when and if the new senior center is built, or an existing Tyngsboro town-owned property is converted to a new senior center; 2) the amount will be held in a standard interest bearing account created no later than June 30, 2011 by the assigned Tyngsboro authority the Town Treasurer, until the time it is to be used for senior center furnishings, or up until the end of the fifth year, commencing from this warrant article being adopted; 3) if the entire or partial (remaining) amount is not used for the purpose of senior center furnishings by the end of the fifth year, it will be returned to Whispering Pines Real Estate Development or its heirs or assignees by the last day of June 30, 2016, or take any other actions relative thereto.

Submitted by: Zoning Board of Appeals

Article 26. To see if the Town will vote to authorize the Board of Selectmen to grant an easement to Massachusetts Electric Company for the purpose of placing an Underground Distribution System, which would provide for the transmission of intelligence and electricity in, on and over a certain portion of a parcel of land owned by the Town described below:

Lot 56 as shown on the Town of Tyngsborough Assessor's Map 20A and also being identified in a deed recorded with the Middlesex North District Registry of Deeds in Book 40, page 55. And further, said "Underground System" (locations of the electrical equipment and other facilities on the hereinafter referred to premises of the Grantor) is approximately shown on a sketch entitled:

nationalgrid; WR#7532543: Date: 12/16/2010; Drawn by: S. Steeves; Approved by: D. Marceau; Sketch to Accompany Easement for: To install approximately 150' 2-3" conduits with secondary conductor to new Handhole in order to correct aerial trespass and provide electric service to 10, 12, 14 and 18 Kendall Road, Tyngsborough, MA", a reduced copy of said sketch may be reviewed Monday through Friday 8:30 AM to 3:30 PM in the Selectmen's Office, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 27. To see if the Town will vote to amend the Tyngsborough Zoning By-Laws to include the following:

4.19.00 Small Wind Energy Systems

A. Purpose. The purpose for regulating by special permit the conduct, location and operation of small wind energy systems is to provide for a streamlined and efficient administrative permitting process for responsibly sited small wind systems and to ensure that such systems do not cause disruption, annoyance, or a general nuisance in the Town of Tyngsborough.

B. Applicability. This section applies to small wind systems no greater than **60 kilowatts** of rated nameplate capacity proposed to be constructed after the effective date of this section. The Planning Board may grant a special permit for the construction and operation of a small wind turbine in **any zoning district** subject to the requirements set forth herein. No more than three (3) small wind turbines shall be permitted on a single parcel or contiguous parcel(s) in common ownership.

Note: One of the model bylaws prepared by the State defines small systems as having a capacity of not more than 100kW.

C. Definitions

"Building Inspector": The inspector of buildings, building commissioner or local inspector, or, if there are none in a town, the board of selectmen, or person or board designated by local ordinance or by-law charged with the enforcement of the zoning ordinance.

"Building Permit": A building permit is a required approval of a project by a licensed building inspector which is consistent with the local, state and federal building codes. In addition, the permit must meet the criteria set forth under the local zoning by-laws regarding small wind energy systems.

"Height": The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

"Special Permit": A permit provided by the special permitting authority for non-conforming small wind systems (e.g. a small wind system that does not meet the criteria for small wind systems set forth by the Building Inspector).

"Special Permit Granting Authority": The special permit granting authority shall be the Planning Board, by this section for the issuance of special permits to construct and operate small wind energy systems.

“Rated Nameplate Capacity”: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

“Small Wind Energy System”: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of 60 kW or less.

“Wind turbine”: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

D. General Requirements

1. Building Inspector Issued Permit. No small wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit from a licensed building inspector. All such wind energy systems shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the small wind energy system, should they occur.

2. Special Permit Granting Authority. If the proposed small wind energy system does not satisfy the criteria of the building permit set forth under the adopted by-laws then the applicant must seek review and petition the Special Permit Granting Authority for a Special Permit. The Special Permit will provide for a variance from the prescribed by-law requirements. This variance from the building permit criteria will only be applicable to that specific non-conforming project.

3. Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed small wind energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

4. Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

5. Temporary Meteorological Towers (Met Towers). Met towers shall be permitted under the same standards as a small wind system, except that the requirements apply to a temporary structure. A permit for a temporary met tower shall be valid for a maximum of 3 years after which an extension may be granted.

Wind monitoring shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure and subject to reasonable regulations concerning the bulk

and height of structures and determining yard-size, lot area, setbacks, open space and building coverage requirements.

E. General Siting Standards

1. Freestanding Small Wind Energy System Height. Small Wind Energy Facilities shall be no higher than 160 feet, provided that such wind energy facility may exceed 160 feet if granted a Special Permit from the Planning Board based on:

- a. the applicant demonstrating by substantial evidence that such height reflects industry standards for a similar sited wind facility;
- b. demonstration that such excess height is necessary to prevent financial hardship to the applicant; and
- c. the facility satisfies all other criteria for the granting of a Building Permit, or for a Special Permit, if required.

2. Rooftop Small Wind Energy System Height. Rooftop Small Wind Energy Facilities shall not extend more than ten (10) feet above the ridgeline of the structure to which it is attached.

3. Setbacks. Wind turbines shall be set back a distance equal to the total height of the wind turbine from all inhabited structures, overhead utility lines, public road or right of way and at least 5 feet from property boundaries.

4. Setback Waiver. The building inspector may reduce the minimum setback distance if written permission is granted by the entity with care and control over the affected asset.

F. Design Standards

1. Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the non-reflective color or finish that was originally applied by the manufacturer, unless approved in the building permit.

2. Lighting and Signage

a. Lighting. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the small wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

b. Signage and Advertising. Signs and advertising shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility and shall defer to the requirements of the town sign regulations.

G. Safety, Aesthetic and Environmental Standards

1. Unauthorized Access. Wind turbines or other structures part of a small wind energy system shall be designed to prevent unauthorized access.

2. Noise. The small wind energy system and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Permit Granting Authority agree that those provisions shall not be applicable.

3. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and is otherwise prescribed by applicable laws, regulations, and ordinances.

4. Rooftop Wind Energy Facilities Installation. Wind facilities sited on top of, attached to and extending above the ridge line of, an existing structure shall comply with all applicable provisions of the latest version of the Uniform Building Code. Certification by an engineer licensed by the Commonwealth of Massachusetts shall be required.

H. Monitoring and Maintenance

1. System Conditions. The applicant shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures.

I. Abandonment or Decommissioning

1. Removal Requirements. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. Upon a Notice of Abandonment issued by the Building Inspector, the small wind energy system owner will have 30 days to provide sufficient evidence that the system has not been abandoned or the town shall have the authority to enter the owner's property and remove the system at the owner's expense.

J. Permitting Process, Requirements & Enforcement

1. Permit Requirements

a. Building Permit. A building permit shall be required for the installation of a small wind energy system. This section is redundant with 3.1.

b. Documents. The building permit application shall be accompanied by deliverables including the following:

- (a) A plot plan showing:
 - (i) Property lines and physical dimensions of the subject property within 2 times the total height from the tower location.
 - (ii) Location, dimensions, and types of existing major structures on the property
 - (iii) Location of the proposed wind system tower, foundations, guy anchors and associated equipment.
 - (iv) The right-of-way of any public road that is contiguous with the property;
 - (v) Any overhead utility lines;
- (b) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
- (c) Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

- (d) Tower blueprint or drawing signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

2. Fees. The application for a building permit for a small wind energy system must be accompanied by the fee required by the Building Inspector.

3. Expiration. A permit issued pursuant to this ordinance shall expire if:

- a. The small wind energy system is not installed and functioning within 24-months from the date the permit is issued; or,
- b. The small wind energy system is abandoned.

4. Violations. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

5. Administration and Enforcement

- a. This ordinance shall be administered and enforced by the Building Inspector or other official as designated.
- b. The Building Inspector may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

6. Penalties. Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by applicable law.

7. Waiver of Compliance. The Planning Board, when acting as the Special Permit Granting Authority under this section, may waive strict compliance with such requirements of this section, where such action is in the public interest and not inconsistent with the purpose and intent of the Zoning By-Law or this section.

K. Severability

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the bylaw.

4.20.00 Large Wind Energy Facilities

A. Purpose. The purpose of this bylaw is to provide by special permit for the construction and operation of wind facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources of the Town of Tyngsborough and provide adequate financial assurance for decommissioning.

B. Applicability. This section applies to all utility-scale and on-site wind facilities with capacity greater than 60Kw proposed to be constructed after the effective date of this section. It does not apply to single stand-alone turbines under 60 kilowatts of rated nameplate(s) capacity.

Note: One of the model bylaws prepared by the State defines large systems as having a capacity of more than 100kW.

Any physical modifications to existing wind facilities that materially alters the type or increases the size of such facilities or other equipment shall require a special permit.

C. Definitions

Utility-Scale Wind Facility: A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

On-Site Wind Facility: A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will consume more than 50% of the electricity generated by the project on-site.

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Large Wind Energy Facilities: Any utility-scale wind facility or on-site wind facility that generates 60 kilowatts of rated nameplate(s) capacity or greater on a lot.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

Special Permit Granting Authority: The Planning Board, acting as the Special Permit Granting Authority, (SPGA), shall grant a Special Permit for large wind energy facilities as provided for in this bylaw.

Substantial Evidence: Such evidence as a reasonable mind might accept as adequate to support a conclusion.

Wind Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

Wind Turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

D. General Requirements

1. Special Permit Granting Authority. No wind facility over 60 kilowatts of rated nameplate(s) capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a permit from the special permit granting authority. The construction of a wind facility over 60 kilowatts of rated nameplate(s) capacity shall be permitted within the ***Large Wind Energy Facility Zoning Overlay District*** subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in sections _____. All such wind energy facilities shall be constructed and operated in a

manner that minimizes any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the special permit granting authority finds in writing that:

- a. the specific site is an appropriate location for such use;
- b. the use is not expected to adversely affect the neighborhood;
- c. there is not expected to be any serious hazard to pedestrians or vehicles from the use;
- d. no nuisance is expected to be created by the use; and
- e. adequate and appropriate facilities will be provided for the proper operation of the use.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

Wind monitoring or meteorological towers shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure.

2. Large Wind Energy Facility Overlay District. The Large Wind Energy Facility Overlay District is established over all the zoning districts of the Town of Tyngsborough, except the following parcels: Map __ Parcels _____. The Large Wind Energy Facility Overlay District is located and bounded as shown on a map entitled "Large Wind Energy Facility Zoning Overlay District", Tyngsborough, MA prepared by _____, dated _____ and on file with the offices of the Town Clerk and Zoning Enforcement Officer

3. Compliance with Laws, Bylaws and Regulations. The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

4. Proof of Liability Insurance. The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

5. Site Control. At the time of its application for a special permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

E. General Siting Standards

1. Freestanding Large Wind Energy Facility Height. Wind facilities shall be no higher than 400 feet above the current grade of the land, provided that wind facilities may exceed 400 feet if:

- a. the applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind facility;
- b. such excess height is necessary to prevent financial hardship to the applicant, and
- c. the facility satisfies all other criteria for the granting of a special permit under the provisions of this section.

2. Rooftop Large Wind Energy Facility Height. Rooftop Large Wind Energy Facilities shall not extend more than ten (10) feet above the ridgeline of the structure to which it is attached.

3. Setbacks. Wind turbines shall be set back a distance equal to 1 times the overall blade tip height of the wind turbine from the nearest existing abutting residential or commercial structure and 100 feet from the nearest property line and private or public way.

4. Setback Waiver. The special permit granting authority may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.

F. Design Standards

1. Color and Finish. The special permit granting authority shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

2. Lighting and Signage

a. Lighting. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

b. Signage. Signs on the wind facility shall comply with the requirements of the town's sign regulations, and shall be limited to:

- i. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- ii. Educational signs providing information about the facility and the benefits of renewable energy.

c. Advertising. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

d. Utility Connections. Reasonable efforts shall be made to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

3. Appurtenant Structures. All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be shaded from view by vegetation

and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

4. Support Towers. Monopole towers are the only type of support for the Wind Facilities that shall be approved.

G. Safety, Aesthetic and Environmental Standards

1. Emergency Services. The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the special permit granting authority. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan.

2. Unauthorized Access. Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

3. Shadow/Flicker. Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

4. Noise. The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's, (DEP) Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Special Permit Granting Authority agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:

- a. Increases the broadband sound level by more than 10 dB(A) above ambient, or
- b. Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

The special permit granting authority, in consultation with the DEP, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

5. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and bylaws.

6. Rooftop Wind Energy Facilities Installation. Wind facilities sited on top of, attached to and extending above the ridge line of, an existing structure shall comply with all applicable provisions of the latest version of the Uniform Building Code. Certification by an Engineer Licensed by the State of Massachusetts shall be required.

H. Monitoring and Maintenance

1. Facility Conditions. The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

2. Modifications. All material modifications to a wind facility made after issuance of the special permit shall require approval by the special permit granting authority as provided in this section.

I. Abandonment or Decommissioning

1. Removal Requirements. Any wind facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

- a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The special permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment. Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the special permit granting authority. The special permit granting authority shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility.

3. Financial Surety. The special permit granting authority may require the applicant for utility scale wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the facility, of an amount and form determined to be reasonable by the special permit granting authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment. The Planning Board may require an Annual Report on the working and operating condition of the wind energy facility(ies).

J. Term of Special Permit

A special permit issued for a wind facility shall be valid for 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the special permit granting authority upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the special permit granting authority acts. At the end of that period (including extensions and renewals), the wind facility shall be removed as required by this section.

The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

K. Application Process & Requirements

1. Application Procedures.

a. General. The Planning Board shall adopt an application form, fee schedule and rules and regulations in accordance with the provisions of this bylaw. Rules and regulations shall specify the application process, type and number of required plans, and general requirements in order to assist the developer in complying with the intent of this bylaw.

b. Application. Each application for a special permit shall be filed by the applicant with the Town Clerk pursuant to section 9 of chapter 40A of the Massachusetts General Laws.

2. Required Documents. The applicant shall provide the special permit granting authority with 17 copies of the application, plans and documents. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be: Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any; The name, contact information and signature of any agents representing the applicant; Documentation of the legal right to use the wind facility site, including the requirements set forth in 5.17.10(C)(2) of this section.

3. Siting and Design. The applicant shall provide the special permit granting authority with a description of the property which shall include:

a. Location Map (*modify for on-site wind facilities*). Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; however a copy of a zoning map with the parcel identified is suitable.

b. Site Plan. A one-inch equals 200 feet (1"=200') plan of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:

Property lines for the site parcel and adjacent parcels within 300 feet;

Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet. Include distances from the wind facility to each building shown;

Location of all roads, public and private on the site parcel and adjacent parcels within 300 feet, and proposed roads or driveways, either temporary or permanent;

Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet;

Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.; and

Location of viewpoints referenced below in 5.17.10(C)(3) of this section.

c. Visualizations (*modify for on-site wind facilities*). The special permit granting authority shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post- construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

i. View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).

ii. All view representations will include existing, or proposed, buildings or tree coverage.

iii. Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc...).

4. Landscape Plan (*utility-scale wind facilities only*). A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.

5. Operation & Maintenance Plan. The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility. The Applicant shall attempt to implement Low Impact Development Techniques to manage storm water, in accordance with the Low Impact Development General Bylaw.

6. Compliance Documents. If required under previous sections of this bylaw, the applicant will provide with the application:

- a. a description of financial surety that satisfies 5.17.8(C) of this section,
- b. proof of liability insurance that satisfies Section 5.17.3(B) of this section,
- c. certification of height approval from the FAA,
- d. a statement that satisfies Section 5.17.6(C), listing existing and maximum projected noise levels from the wind facility.

7. Independent Consultants (*utility-scale wind facilities only*). Upon submission of an application for a special permit, the special permit granting authority will be authorized to hire outside consultants, pursuant to section 53G of chapter 44 of the Massachusetts General Laws.

L. Waiver of Compliance. The Planning Board, acting as the Special Permit Granting Authority under this section, may waive strict compliance with such requirements of this section, where such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this section.

M. Validity. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

Submitted by: Energy and Environmental Affairs Committee

Article 28. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$50,000 for the purpose of town field maintenance of the fields located at the Tyngsborough Elementary School, or to take any other action relative thereto.

Submitted by: Citizen's Petition

Article 29. To see if the Town will vote to accept M.G.L. Chapter 152, Section 69 to provide worker's compensation insurance coverage to full time elected officials, or take any other action relative thereto.

A yes vote protects the Town at no cost by insuring that full time elected officials are covered. At the present time, MIIA, has given verbal assurances of coverage but will not do so in writing. In addition, the MIIA website reads as follows: "If an elected official in a city or town without an affirmative vote on worker's compensation is injured on the job, Massachusetts law will take precedence and those claims will likely be denied."

A no vote exposes the Town to an unnecessary liability if an injury occurred and MIIA reverted to Massachusetts law denying claim.

Submitted by: Citizen's Petition

Article 30. To see if the Town will vote to authorize the Board of Selectmen to seek special legislation authorizing recall of elected officials in the Town; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

SECTION 1. Any holder of an elective office in the Town of Tyngsborough may be recalled therefrom by the registered voters of the town.

SECTION 2. One hundred registered voters of the town may file with the town clerk a recall affidavit, using either a blank recall affidavit as prepared by the town clerk or an affidavit substantially similar thereto, containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to the first named voter on the affidavit copies of petition blanks addressed to the board of selectmen demanding a recall, copies of which printed forms the clerk shall keep available. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated, and shall contain the names of the first 10 voters whose names appear on the recall affidavit, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit, and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned

and filed with the town clerk within 30 days after the filing of the affidavit, with signatures, names and street addresses of at least 8 per cent of the registered voters of the town as of the date the affidavit was filed with the town clerk. Within 5 working days of receipt, the town clerk shall submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, it shall be submitted with her certificate to the board of selectmen without delay. The board of selectmen shall forthwith give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the officer sought to be recalled. If the officer does not resign within 5 working days after receipt of the notice, the board of selectmen shall forthwith order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date the election is called, but if any other town election is scheduled to occur within 120 days after the receipt of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 4. An officer sought to be removed may be a candidate to succeed himself/herself in an election to be held to fill the vacancy, and unless the officer requests otherwise in writing, the town clerk shall place said name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of the law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his/her office until the recall election. If the incumbent is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If recalled and not re-elected in the recall election, the incumbent shall be deemed removed. If the successor fails to qualify within 5 days after receiving notification of his/her election, the office shall be deemed vacant.

SECTION 6. Ballots used in a recall election shall contain the following question:

Shall (name and title of officer whose recall is sought) be recalled? Yes ____ No ____

Under the question shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws, and beneath this, the names of candidates nominated as hereinafter provided.

If a majority of the votes cast upon the question of recall is against the recall, the ballots for candidates shall not be counted. If a majority of the votes cast upon the question of recall is in favor of the recall, the officer shall be recalled and the ballots for candidates shall be counted. The candidate receiving the highest number of votes shall be declared elected and shall serve for the balance of the unexpired term of the officer recalled.

SECTION 7. A recall petition shall not be filed against an officer within 6 months after he/she takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 6 months have elapsed after the election at which the recall was submitted to the voters of the town.

SECTION 8. A person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him/her shall not be appointed to any town office or position within 1 year after the recall or resignation.

SECTION 9. This act shall take effect upon its passage.

Submitted by: Citizens' Petition

Article 31. To see if the Town will vote to amend Article 2.11.44 of the Tyngsboro Zoning By-Laws to read as follows:

2.11.44 – Business Uses-Principal Use Definitions

2.11.44 **Commercial Recreation:** Indoor or outdoor facilities, operated as a business and open to the public for a fee such as facilities for ice skating, roller skating, racquet sports, bowling, horseback riding, swimming miniature golf, **soccer, softball, baseball, golf, wrestling, martial arts, mixed martial arts, boxing, basketball, fitness activities, volleyball, football, lacrosse and other sports or sporting related social events. Such activities may either be participatory by the public or conducted for the public to attend as spectators at entertainment sporting related events conducted by the business or third party vendors or promoters at an arena like setting for a fee for admission,** or take any other action relative thereto.

Submitted by: Citizen's Petition

And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No.1, Flint's Convenient Store, Lakeview Avenue Community Center, Lakeview Avenue Fire Station No.2, in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

Given under our hands and seals this 24th day of May, in the year two thousand eleven.

Board of Selectmen

Ashley L. O'Neill, Chairman

Elizabeth A. Coughlin, Vice-Chairman

Richard D. Reault, Clerk

Richard B. Lemoine

Robert G. Jackson

Pursuant to the foregoing Warrant, I have notified and warned the inhabitants of the Town of Tyngsborough by posting attested copies of same at the Town Hall, Kendall Road Fire Station No. 1, Flint's Convenience Store, Lakeview Avenue Community Center, and Lakeview Avenue Fire Station No. 2, and at least seven (7) days before the date thereof, as within directed.

Constable

Date

Time

SPECIAL TOWN MEETING WARRANT

June 7, 2011

7:30 P.M.

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town of Tyngsborough, qualified to vote in elections and Town affairs, to meet at the Tyngsborough Elementary School Cafetorium, 205 Westford Road in said Tyngsborough on the seventh day of June, in the year two thousand eleven next at 7:30 o'clock in the evening then and there to act on the following articles:

Article 1. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts the sum of \$ to supplement the Veterans' Benefit Account for fiscal year 2011, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 2. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts a sum of money to be used as another financing source in the general fund for fiscal year 2011, or take any other action relative thereto.

Submitted by: Board of Selectmen.

Article 3. To see if the Town will vote to appropriate by transfer a sum of monies from Sewer Enterprise Fund Retained Earnings Reserve to the Sewer Enterprise fund Capital Outlay Account for FY11, to be expended by the Sewer Commissioners, or take any other action relative thereto.

Submitted by: Sewer Commissioners

And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No.1, Flint's Convenient Store, Lakeview Avenue Community Center, Lakeview Avenue Fire Station No.2, in said Town, fourteen (14) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

Given under our hands and seals this 24th day of May, in the year two thousand eleven.

Board of Selectmen

Ashley L. O'Neill, Chairman

Elizabeth A. Coughlin, Vice-Chairman

Richard D. Reault, Clerk

Richard B. Lemoine

Robert G. Jackson

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Constable

Date

Time